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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------|---------------|----------------------|-------------------------|------------------|
| 10/698,261 | 10/31/2003 | George E. Mueller | 59967-44 | 2944 |
| 22504 75 | 90 02/24/2005 | | EXAMINER | |
| DAVIS WRIGHT TREMAINE, LLP | | | DINH, TIEN QUANG | |
| 2600 CENTUR' 1501 FOURTH | • | | ART UNIT | PAPER NUMBER |
| SEATTLE, WA | | | 3644 | |
| | | | DATE MAILED: 02/24/200: | 5 |

Please find below and/or attached an Office communication concerning this application or proceeding.

| V | | Application No. | Applicant(s) | P | | |
|---|---|--|---|---|--|--|
| 1 | | 10/698,261 | MUELLER ET AL. | 1 | | |
| | Office Action Summary | Examiner | Art Unit | | | |
| | | Tien Dinh | 3644 | | | |
| - Period fo | - The MAILING DATE of this communication a r Renly | ppears on the cover sheet with the c | orrespondence address | | | |
| A SHO THE N - Extens after S - If the I - If NO - Failur Any re | DRTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION sions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a re period for reply is specified above, the maximum statutory perio e to reply within the set or extended period for reply will, by statu- sply received by the Office later than three months after the mail of patent term adjustment. See 37 CFR 1.704(b). | I. 1.136(a). In no event, however, may a reply be tin 1.136(a). In no event, however, may a reply be tin 1.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, may a reply be tin 2.136(a). In no event, however, however | nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133). | | | |
| Status | | | | | | |
| | Responsive to communication(s) filed on 111/ | /30/04 | | | | |
| , | | is action is non-final. | | | | |
| , — | | | secution as to the merits is | | | |
| • | Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | |
| | on of Claims | | | | | |
| 4)⊠ 5)□ 6)⊠ 7)⊠ 8)□ Applicatio | Claim(s) <u>1-70</u> is/are pending in the application of the above claim(s) <u>37-70</u> is/are withdrest Claim(s) <u>1-14,16,22-27 and 36</u> is/are rejected Claim(s) <u>15,17-21 and 28-35</u> is/are objected Claim(s) <u>are subject to restriction and the papers</u> | awn from consideration. d. to. /or election requirement. | | | | |
| , | The specification is objected to by the Examin | | - • | | | |
| • | Fhe drawing(s) filed on is/are: a)☐ ad | | | | | |
| | Applicant may not request that any objection to the | | | | | |
| | Replacement drawing sheet(s) including the corre The oath or declaration is objected to by the | | | | | |
| Priority u | nder 35 U.S.C. § 119 | | | | | |
| a)[| Acknowledgment is made of a claim for foreignal All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure ee the attached detailed Office action for a list | nts have been received. nts have been received in Applicationity documents have been received and (PCT Rule 17.2(a)). | ion No ed in this National Stage | | | |
| Attachment | (s) e of References Cited (PTO-892) | 4) 🔲 Interview Summary | | | | |
| 2) | e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/0 No(s)/Mail Date | Paper No(s)/Mail D | | | | |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14, 16, 22-27, and 36 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over "K-1 Vehicle TA-10 Flight Experminent Design and Requirements Document" now referred to as "K-1".

K-1 discloses a system for introducing payloads into earth orbit having the claimed elements.

Please note that sensors, data storage unit, and avionics data bus are notorious in this day and age. Thefore, one skilled in the art would have used these elements in order to do the experminets.

Allowable Subject Matter

Claims 15, 17-21, 28-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

The Examiner has reviewed the applicant's arguments and evidence that the "K-1" reference should not be treated as prior art. The Examiner, however, respectfully disagrees. The

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applicant has not petitioned to expunge the "K-1" reference in the IDS. The Examiner therefore shall treat the K-1 as a prior art. Furthermore, the revision of the "K-1" reference is not proof that it is not a published prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 703-308-2798. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (703)305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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